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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,093

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Eric R. Blomiley

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EXAMINER

MACARTHUR, SYLVIA

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

01/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,093	<b>Applicant(s)</b> BLOMILEY ET AL.	
	<b>Examiner</b> Sylvia R. MacArthur	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 13 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 23-30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 and 39-41 is/are allowed.
- 6) ☒ Claim(s) 13 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

I. Applicant's arguments filed 9/25/2008 have been fully considered, but are moot due to the amendment of claim 13 which features a ring comprising a radially outermost portion that has a uniform thickness and which extends from the peripheral edge to the circular recess. This amendment necessitates the detailed discussion of Ohkase et al below and the use of new prior art held to Ruhl et al (US 2005/0016468) and Hayashide et al (US 2004/0163599).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohkase et al (US 5,536,918).

Ohkase et al teaches a susceptor (holding protrusions 31) see for example Figs. 14-18. The ring and extend portions are best illustrated in Figs. 14, 15, and 18. According to col.4 lines 17-23, the wafer holder 3 is made of SiC which is a known opaque material of construction. See also reinforcing ring 33 which links support units (extended portions) 32. Ohkase et al also

teaches in section [0078] that ring 33 and units 30 are made of sapphire which is a material transparent to IR. See Fig 13b illustrates a circular recess.

4. Claims 13 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruhl et al (US 2005/0016468).

5. Ruhl et al teaches a compensation frame for receiving a substrate, see Figs 2,3, 5, and 7 illustrate a susceptor 2 comprising a body having a front substrate receiving side comprising a bearing surface to physically contact the substrate 1 see the Figures. The body further comprises a ring see the Figures. See the Figures illustrate that the radial inner portion is centered relative to the body. The Figures further illustrate that the non-solid space is sized such that at least a majority of the substrate to be deposited upon and overlie the non-solid space.

6. Claims 13 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashide et al (US 2004/0163599).

7. Hayashide et al teaches a film deposition system with a susceptor 8 comprising a body having a front substrate receiving side comprising a bearing surface to physically contact the substrate 2 see the Figures. The body further comprises a ring see the Figures. See the Figures illustrate that the radial inner portion is centered relative to the body. The Figures further illustrate that the non-solid space is sized such that at least a majority of the substrate to be deposited upon and overlie the non-solid space.

8. Claims 37 and 39-43 are allowed.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-Th during the hours of 8 a.m. and 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 28, 2009

/Sylvia R MacArthur/  
Primary Examiner, Art Unit 1792